

NAVAJO COUNTY
BOARD OF ADJUSTMENT MEETING
June 9, 2004

Board of Adjustment Members

ATTENDED

1. Carla Bowen
2. Arnold Scott

ABSENT

Bill Arendell

Staff Attendance

1. Bernie St. John, Code Enforcement Officer
2. Mary Bradley, Secretary

Meeting held at the Navajo County Training Room, Holbrook, Arizona – Time 10:10 a.m.

Carla Bowen called the meeting of the Navajo County Board of Adjustment to order, and led the Pledge of Allegiance

Item #1 Variance: Discussion and possible Board action on a request by **Larry Davis** for a Variance to reduce the rear setback from 20' to 10', to allow for a 16' wide garage to be constructed. APN: 211-19-033, Township 9 North, Range 23 East, Section 22, the Gila and Salt River Meridian, 231 N. Aztec Circle, in the Pinetop area. Navajo County Arizona. **Bernie St. John** gave a case history of the project and presented a map showing the general area and the site plan. Mr. St. John presented photos of the applicant's property to the Board and went over each photo pointing such items out as topography, existing utilities, driveway, existing floor plan of the cabin and indicating that the applicant felt that the east gable was the only practical place to attach the addition. Staff recommends approval with stipulations. **Larry Davis** is the applicant and he was in attendance. Mr. Davis indicated that he had purchased his property over 6-years ago. Mr. Davis said that they set this back (addition) so that it would not be visible to the neighbors. Mr. Davis indicated that his neighbor to the south of him (Brian Patrick) and his neighbor to the north of him (Bill Miller) has no objections for this variance. Mr. Davis indicated that his nearest neighbors are the Forest Service and an empty lot. **Bryan Lahner** spoke in favor of the variance and stated that he is the contractor for Mr. Davis. Mr. Lahner indicated that there would be a grading issue for the proposed garage if they had to build on that portion of the house (west gable end of the cabin). Mr. Lahner spoke about various difficulties they would encounter such as the electrical service would need to be relocated as well as the crawl space, the driveway needing to be changed and removal of trees in order to do this. Mr. Lahner explained the changes to the floor plan if they built on one side versus the other. **No one came forward to speak in opposition regarding this item.** **Carla Bowen** explained the criteria for a variance. Ms. Bowen indicated that Navajo County Zoning Ordinance does not allow for the Board to make a decision on a variance based on trees being in the way. Ms. Bowen also stated that moving a window is not considered a hardship. Ms. Bowen said that she has visited the property and was familiar with it. Ms. Bowen indicated that under normal circumstances there is enough room to build this garage and this would not be considered a hardship (indicated on the map where it could be built). Ms. Bowen quoted a portion of Article 28, Section 2802, Item 2 as reasons for this variance to be granted. Ms. Bowen also indicated that since the Forest Service adjoins their property on both side and since it is fairly secluded, and is not impacting the neighbors she would be inclined to approve it. A motion was made by **Carla Bowen** to approve the variance with the stipulations stated by staff. **RECOMMENDED STIPULATIONS:** *1. Septic system will be sized, certified by a licensed contractor, properly permitted and installed prior to start of construction. 2. Permits must be obtained prior to start of construction.* **Arnold Scott** seconded the motion. Motion unanimously carried.

Item #2 Possible approval of April 7, 2004 and May 12, 2004 Minutes. **Carla Bowen** indicated that on Item number one for the April 7, 2004 minutes there is a spelling error (“**do**” to levee failure” --- **should be “due**” to levee failure”). A motion was made by **Carla Bowen** to approve the April 7, 2004 minutes with the spelling correction as well as the May 12, 2004 minutes. **Arnold Scott** seconded the motion. Motion unanimously carried.

Item #3 **Board Members comments and/or directions to staff.** The Board Members may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Board may direct Development Services Department staff to study or provide additional information on topics of the Boards' choosing. **No comments given.**

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 10:30 a.m. A motion was made by **Carla Bowen** to adjourn. **Arnold Scott** seconded the motion. Motion unanimously carried.

The Board reserves the right to adjourn into an executive session when needed, per A.R. S. 38-431.03 (A)(3) for legal counsel on the above matter.

NOTE: A copy of the agenda background material provided to the Board Members (with exception of material relating to possible executive sessions) and taped proceedings are available for public inspection at the Development Services Office, Navajo county Complex, Holbrook, Arizona, and Monday through Friday, 8:00 a.m. to 5:00 p.m.

Signed this _____ day of _____, _____

Signed: _____
Chairman, Navajo County
Board of Adjustment

ATTEST:

Development Services Secretary